

FILED

JAN 30 2008

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

PHILIP J. GREENE Plaintiff,

CV 08 CASE NO.

0714

v.

HARTLEY  
ASP-WARDEN Defendant.

PRISONER'S  
IN FORMA PAUPERIS  
APPLICATION

E-filing

MMC  
(PR)

I, PHILIP JASON GREENE, declare under penalty of perjury that I am the plaintiff in the above entitled case and that the information I offer throughout this application is true and correct. I offer this application in support of my request to proceed without being required to prepay the full amount of fees, costs or give security. I state that because of my poverty I am unable to pay the costs of this action or give security, and that I believe that I am entitled to relief.

In support of this application, I provide the following information:

1. Are you presently employed? Yes ☐ No ☒

If your answer is "yes," state both your gross and net salary or wages per month, and give the name and address of your employer:

Gross: 0 Net: 0

Employer: N/A

If the answer is "no," state the date of last employment and the amount of the gross and net salary and wages per month which you received. (If you are imprisoned, specify the last place of employment prior to imprisonment.)

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2. Have you received, within the past twelve (12) months, any money from any of the following sources:

- a. Business, Profession or self employment Yes ☒ No ☐  
b. Income from stocks, bonds, or royalties? Yes ☒ No ☐

- c. Rent payments? Yes No X
- d. Pensions, annuities, or life insurance payments? Yes No X
- e. Federal or State welfare payments, Social Security or other government source? Yes No X

If the answer is "yes" to any of the above, describe each source of money and state the amount received from each.

N/A

3. Are you married? Yes X No IN DIVORCE PROCEEDINGS AT THIS TIME

Spouse's Full Name: WENDY ANN GREENE

Spouse's Place of Employment: UNKNOWN

Spouse's Monthly Salary, Wages or Income:

Gross \$ \_\_\_\_\_ Net \$ APPROX. \$592.00/MONTH.

4. a. List amount you contribute to your spouse's support: N/A

\$ \_\_\_\_\_

- b. List the persons other than your spouse who are dependent upon you for support and indicate how much you contribute toward their support:

N/A

5. Do you own or are you buying a home? Yes No X

Estimated Market Value: \$ 0 Amount of Mortgage: \$ 0

6. Do you own an automobile? Yes No X

Make 0 Year 0 Model 0

Is it financed? Yes 0 No 0 If so, Total due: \$ 0

Monthly Payment: \$ 0

7. Do you have a bank account? (If you are a prisoner, include funds in your prison account, and provide the certificate attached, signed by an officer of the prison.)

Yes No ☒ X

Name(s) and address(es) of bank: N/A

Present balance(s): \$ N/A

Do you own any cash? Yes No ☒ X Amount: \$ 0

Do you have any other assets? (If "yes," provide a description of each asset and its estimated market value.)  
Yes No ☒ X

8. What are your monthly expenses?

Rent: \$ 0 Utilities: 0

Food: \$ 0 Clothing: 0

Charge Accounts:

Name of Account	Total Owed On Monthly Payment	This Account
<u>0</u>	\$ <u>0</u>	\$ <u>0</u>
<u>0</u>	\$ <u>0</u>	\$ <u>0</u>

9. Do you have any other debts? (List current obligations, indicating amounts and to whom they are payable.)

RESTITUTION OF \$155,831.18 (CA. STATE BOARD OF CONTROL \$3K AND VALLEY  
MEDICAL CTR \$152,831.18) + IRS \$4600.00

I consent to prison officials withdrawing from my trust account and paying to the court the initial partial filing fee and all installment payments required by the court.

I declare under the penalty of perjury that the foregoing is true and correct and understand that a false statement herein may result in the dismissal of my claims.

1/22/08  
DATE

  
SIGNATURE OF APPLICANT

RE ID: TS3030 .701

REPORT DATE: 01/10/08

PAGE NO: 1

## CALIFORNIA DEPARTMENT OF CORRECTIONS

## AVENAL STATE PRISON

## INMATE TRUST ACCOUNTING SYSTEM

## INMATE TRUST ACCOUNT STATEMENT

FOR THE PERIOD: JUL. 10, 2007 THRU JAN. 10, 2008

ACCOUNT NUMBER : T98702

BED/CELL NUMBER: 450 1 00000011U

ACCOUNT NAME : GREENE, PHILIP JASON

ACCOUNT TYPE: I

PRIVILEGE GROUP: B

## TRUST ACCOUNT ACTIVITY

&lt;&lt; NO ACCOUNT ACTIVITY FOR THIS PERIOD &gt;&gt;

## CURRENT HOLDS IN EFFECT

DATE PLACED	HOLD CODE	DESCRIPTION	COMMENT	HOLD AMOUNT
04/24/2007	H107	POSTAGE HOLD	4296POSTAG	7.40
01/02/2008	H118	LEGAL COPIES HOLD	2867/LECO	3.50
01/07/2008	H118	LEGAL COPIES HOLD	702951LECO	2.48
01/09/2008	H109	LEGAL POSTAGE HOLD	702991LEPO	1.14

*no activity*

## TRUST ACCOUNT SUMMARY

BEGINNING BALANCE	TOTAL DEPOSITS	TOTAL WITHDRAWALS	CURRENT BALANCE	HOLDS BALANCE	TRANSACTIONS TO BE POSTED
0.00	0.00	0.00	0.00	14.52	0.00

CURRENT  
AVAILABLE  
BALANCE

14.52-



THE WITHIN INSTRUMENT IS A CORRECT  
COPY OF THE TRUST ACCOUNT MAINTAINED  
BY THIS OFFICE.

ATTEST:

CALIFORNIA DEPARTMENT OF CORRECTIONS

BY *[Signature]*  
TRUST OFFICE

Case Number: \_\_\_\_\_

CERTIFICATE OF FUNDS

IN

PRISONER'S ACCOUNT

I certify that attached hereto is a true and correct copy of the prisoner's trust account statement showing transactions of PHILIP J. GREENE for the last six months at  
[prisoner name]

AVENAL STATE PRISON where (s)he is confined.  
[name of institution]

I further certify that the average deposits each month to this prisoner's account for the most recent 6-month period were \$ 0 and the average balance in the prisoner's account each month for the most recent 6-month period was \$ 0.

Dated: 1-10-08

Carol Rodriguez  
Authorized officer of the institution

## PROOF OF SERVICE BY MAIL

I THE UNDERSIGNED, CERTIFY THAT I AM OVER THE AGE OF EIGHTEEN (18) YEARS OF AGE. THAT I  
CAUSED TO BE SERVED A COPY OF THE FOLLOWING DOCUMENT:

ENTITLED: MOTION TO FILE NEWLY EXHAUSTED CLAIM  
TO NORTHERN DISTRICT COURT

BY PLACING THE SAME IN AN ENVELOPE, SEALING IT BEFORE A CORRECTIONAL OFFICER,  
AND DEPOSITING IT IN THE [ UNITED STATES MAIL ] AT AVENAL STATE PRISON AND ADDRESSED IT  
TO THE FOLLOWING:

U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CA.  
ATTN: CLERK OF COURT  
450 GOLDEN GATE AVE. 16TH FL.  
SAN FRANCISCO, CA. 94102

EXECUTED ON JANUARY, 22, 20 08 AT AVENAL STATE PRISON, AVENAL, CALIFORNIA

I, PHILIP J. GREENE DECLARE UNDER THE PENALTY OF PERJURY UNDER THE LAWS  
OF THE STATE OF CALIFORNIA THAT THE FOREGOING IS TRUE AND CORRECT.

  
SIGNATURE OF DECLARANT

PHILIP J. GREENE  
PRINT NAME OF DECLARANT

PRO PER.